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10 Attorneys for Defendant GIUSEPPE PENZATO

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 GIUSEPPE PENZATO and KESIA PENZATO,

18 Defendants.

CASE NO. CR-12-0089 EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING MOTIONS
HEARING AND/OR STATUS
CONFERENCE**

19 **STIPULATION**

20 The parties in this matter are currently scheduled to appear before the Court for a hearing
21 on discovery motions and/or a status conference on November 14, 2012. Since their last
22 appearance, the parties have been actively engaged in settlement negotiations and have now
23 agreed on the general terms of a potential resolution. There remains one outstanding issue relating
24 to a parallel civil case that the parties are currently attempting to resolve.

25 In order to allow sufficient time to resolve the outstanding issue and reduce the agreement
26 to writing, the parties jointly propose a short continuance of the upcoming hearing date.
27 Specifically, the parties jointly submit that the hearing date and status conference presently
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1 scheduled for November 14, 2012 should be continued to December 12, 2012 for status or change-
2 of-plea. In the event the parties achieve a resolution, the parties will send the Court copies of the
3 plea agreements in advance of the December 5 appearance.

4 The parties further agree and stipulate that the time from November 14, 2012 through
5 December 12, 2012 should be excluded under the Speedy Trial Act. Given the need for defense
6 counsel to consult with third parties concerning issues relating to the parallel civil case, the parties
7 agree that the failure to grant a continuance would unreasonably deny the defendants the
8 reasonable time necessary for effective preparation, taking into account the exercise of due
9 diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

10 IT IS SO STIPULATED.

11 DATED: November 9, 2012

Respectfully submitted,

12 /s/ *Josh Cohen*

13 _____
Nanci Clarence
14 Josh Cohen
Attorneys for GIUSEPPE PENZATO

15 /s/ *Gail Shifman*

16 _____
Gail Shifman
17 Attorney for KESIA PENZATO

18 /s/ *Owen Martikan*

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Owen Martikan
20 Assistant United States Attorney

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22 **ORDER**

23 Pursuant to stipulation, and for good cause shown, it is hereby ORDERED that the motions
24 hearing and status conference presently scheduled for November 14, 2012 shall be continued to
25 December 12, 2012 at 2:30 p.m. It is further ORDERED that the time from November 14, 2012
26 through December 12, 2012 shall be excluded under the Speedy Trial Act. The Court finds that
27 the ends of justice served by the continuance outweigh the best interest of the public and the
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1 defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). Further, the Court finds that the
2 failure to grant a continuance would unreasonably deny the defendants the reasonable time
3 necessary for effective preparation, taking into account the exercise of due diligence. *See* 18
4 U.S.C. § 3161(h)(7)(B)(iv). IT IS SO ORDERED.

5 DATED: 11/14/12

